

IN THE HIGH COURT OF HIMACHAL PRADESH
SHIMLA.

CWP No. 87 of 2004

Date of Decision : 30.5.2007

Kanshi Ram Bhardwaj & Others

...Petitioners.

Versus:

State Bank of Patiala & Others

...Respondents.

Coram:

The Hon'ble Mr. Justice Sanjay Karol, Judge.

Whether approved for reporting?¹ No

For the petitioners: Mr. J. R. Thakur, Advocate.

For the respondents : Mr. G. C. Gupta, Sr. Advocate with
Mr. Mohinder Gautam, Advocate.

Sanjay Karol, J (Oral).

This judgment is being dictated in open Court in presence of the learned counsel for the parties.

Grievance of the petitioners is that the respondents have not amended the service conditions so as to make the petitioners entitled for pension on their being voluntarily retired in accordance with the Voluntary Retirement Scheme (VRS) floated by the Bank.

¹ Whether reporters of Local Papers may be allowed to see the judgment?

Petitioners had approached this Court earlier by way of writ petition No. 360 of 2003 and vide orders dated 19th May, 2003, this court directed as under:-

“The issue involved in this case is as to whether, consequent upon their opting for voluntary retirement under the Voluntary Retirement Scheme, the petitioners are entitled to receive the pension or not. Since the petitioners are now withdrawing this petition we are not called upon to decide this issue but we permit the petitioners to submit representations to the respondents-Bank with a request that either in relaxation of the rules or otherwise the Bank may grant benefit of pension to the petitioners. If the petitioners make such a representation within a period of six weeks from today, we direct the Bank to consider it on its merits and dispose it of within a period of four months from the date of its receipt. While disposing of the petitioners request the Bank may also consider whether in relaxation of the Rules it should be permissible to grant the benefit of the pension to the petitioners or not.

The petition is disposed of as withdrawn.”

The representations were made by all the petitioners. The same were decided and one of such decision in the case of Kahan Singh Chandel is Annexure P-6, letter dated 25th November, 2003, wherein it was made clear that since the petitioner had not completed 20 years of qualifying service, therefore, was not eligible for pension in terms of Regulation 29 of Bank's Pension Regulations, 1995. Further, the SBPVRS i.e. the Voluntary Retirement Scheme, had also clarified that for the purpose of pension, the employee would be continued to be

governed on the basis of actual years of service rendered as per Rules.

Learned counsel for the petitioners emphasized that the Regulation 28 of the Pension Regulations 1985 stands amended by the Punjab National Bank making the persons rendering 15 years of service eligible for pension. Consequently, a direction should be issued to the respondent-bank to amend the Rules accordingly as any amendment carried out by the respondent-bank would also make the petitioners eligible for pension.

Learned counsels also submit that the issue in question is no longer res integra and in fact the present case is squarely covered by a earlier decision of this Court rendered in Mast Ram vs. State Bank of Patiala and others, reported in 2005 (2) Shimla Law Cases 2000. The submission of the petitioners needs to be rejected in view of the above decision and no direction in favour of the petitioners can not be issued directing the respondents to grant the pension to the petitioners contrary to the terms and conditions of service nor can any direction be issued directing the Bank to amend the Rules. The service conditions which the Bank wants its employees to be governed with is purely its policy decision depending upon various attending circumstances.

Learned counsel for the petitioners submits that his prayer with regard to release of PPF and other admissible dues

be considered by this Court. Learned counsel for the respondent however submits that no grievance with regard to the dues has ever been made by the petitioners to the respondents. Keeping in view the facts and circumstances and also in the interest of justice, it is directed that the respondents shall examine the matter at their end and if the dues as admissible in accordance with the service conditions has not been paid, the same shall be released and paid within a period of two months from today.

The writ petition is disposed of accordingly.

**(Sanjay Karol),
Judge.**

**May 30, 2007
(rana)**